

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

ED BUTOWSKY,

Plaintiff,

v.

**DAVID FOLKENFLIK, NPR, INC.;
EDITH CHAPIN; LESLIE COOK; and
PALLAVI GOGOI,**

Defendants.

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CIVIL ACTION NO.

4:18-CV-00442-ALM

**DEFENDANTS’ UNOPPOSED MOTION FOR LEAVE TO FILE NOTICE OF
SUPPLEMENTAL EVIDENCE IN SUPPORT OF MOTION FOR SANCTIONS**

Pending before the Court is Defendants NPR, Folkenflik, Chapin, Cook, and Gogoi’s (collectively, “NPR”) Motion for Sanctions Pursuant to Rule 11 for Violations Committed by Plaintiff and His Counsel (Dkt. 96) (“Sanctions Motion”). Since briefing on the Sanctions Motion closed, NPR has discovered additional knowingly false statements of which this Court should be aware. NPR obtained evidence from third parties showing that Butowsky falsely denied Requests for Admission about his involvement in creating, operating, and maintaining two websites—debunkingrodwheelersclaims.com and debunkingrodwheelersclaims.net. The Court appears to have relied on Butowsky’s representations about those two sites when ruling on NPR’s Motion to Dismiss. Given the upcoming hearing on NPR’s Sanctions Motion, NPR requests leave to present this additional evidence to the Court through the concurrently filed Notice of Supplemental Evidence in Support of Motion for Sanctions (the “Notice”).

NPR also respectfully request that the Court permit NPR to file the Notice and accompanying exhibits under seal. NPR’s filing relies on and discloses documents and

information that have been designated confidential pursuant to the Stipulated Protective Order entered in this case on August 8, 2019 (Dkt. 67). NPR will file a redacted version of the Notice within two business days pursuant to this Court's local rule CV-5(a)(7)(E) regarding filing of documents under seal.

Respectfully submitted,

By: /s/ Laura Lee Prather

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Attorneys for Defendants

CERTIFICATE OF CONFERENCE

The undersigned certifies that on June 12, 2020 counsel for Defendants complied with the meet-and-confer requirement in Local Rule CV-7(h). Plaintiff is not opposed to the relief requested in this Motion.

/s/ Laura Lee Prather

Laura Lee Prather

CERTIFICATE OF SERVICE

The undersigned certifies that on June 12, 2020, a true and correct copy of the foregoing document was e-filing and therefore provided to the following counsel of record via the Court's ECF system.

/s/ Laura Lee Prather

Laura Lee Prather